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Attorneys for Defendants
COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE,
SHERIFF THOMAS A. FERRARA, DALTON MCCAMPBELL,
LISA MCDOWELL, ROY STOCKTON, CONNOR HAMILTON,
and CHRIS CARTER

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

NAKIA V. PORTER, an individual on her
own behalf and on behalf of her minor
children, L.P. and A.P.; JOE BERRY
POWELL, JR., an individual, and CLIFTON
POWELL, on behalf of his minor child, O.P.,

Plaintiffs,

v.

COUNTY OF SOLANO, SOLANO
COUNTY SHERIFF'S OFFICE; SHERIFF
THOMAS A. FERRARA, in his official
capacity as Sheriff of Solano County;
DEPUTY DALTON MCCAMPBELL, an
individual, DEPUTY LISA MCDOWELL, an
individual, SERGEANT ROY STOCKTON,
an individual, DEPUTY CONNOR
HAMILTON, an individual; DEPUTY CHRIS
CARTER, an individual; CITY OF DIXON;
DIXON POLICE DEPARTMENT; DIXON
POLICE CHIEF ROBERT THOMPSON, in
his official capacity as Dixon Chief of Police;
OFFICER GABRIEL HOLLINGSHEAD, an
individual, OFFICER AARON WILLIAMS
an individual and DOES 1 to 10, inclusive,

Defendants.

Case No. 2:21-cv-01473-KJM-JDP

**SOLANO COUNTY DEFENDANTS' ANSWER
TO PLAINTIFFS' SECOND AMENDED
COMPLAINT**

[DEMAND FOR JURY TRIAL]

Defendants COUNTY OF SOLANO, SOLANO COUNTY SHERIFF'S OFFICE,
SHERIFF THOMAS A. FERRARA, SHERIFF DALTON MCCAMPBELL, LISA
MCDOWELL, ROY STOCKTON, CONNOR HAMILTON and CHRIS CARTER (collectively

“Defendants”), by and through their attorneys of record, as an answer to Plaintiffs’ NAKIA PORTER, her children L.P. and A.P., JOE BERRY POWELL, JR., and CLIFTON POWELL on behalf of his minor child O.P.’s (collectively “Plaintiffs”) Second Amended Civil Rights Complaint for Damages and Injunctive Relief (“SAC”), hereby admit, deny, and allege as follows:

I. NATURE OF THE ACTION

1. Responding to Paragraph 1 of the SAC, Defendants deny, all and singular, generally and specifically, each and every one of the allegations contained therein.

2. Responding to Paragraph 2 of the SAC, Defendants deny all and singular, generally and specifically, each and every one of the allegations contained therein.

II. JURISDICTION AND VENUE

3. Responding to Paragraph 3 of the SAC, without admitting any wrongdoing or liability for any alleged acts or omissions and without admitting that Plaintiffs are entitled to damages sought, Defendants admit that the Court has original and supplemental jurisdiction over this action.

4. Responding to Paragraph 4 of the SAC, without admitting any wrongdoing or liability for any alleged acts or omissions and without admitting that Plaintiffs are entitled to damages sought, Defendants admit venue is appropriate in this court.

III. PARTIES

5. Responding to Paragraph 5 of the SAC, Defendants do not have sufficient information or belief to enable them to admit or deny these allegations and, on that basis, deny all and singular, generally and specifically, each and every allegation contained therein.

6. Responding to Paragraph 6 of the SAC, Defendants do not have sufficient information or belief to enable them to admit or deny these allegations and, on that basis, deny all and singular, generally and specifically, each and every allegation contained therein.

7. Responding to Paragraph 7 of the SAC, Defendants do not have sufficient information or belief to enable them to admit or deny these allegations and, on that basis, deny all and singular, generally and specifically, each and every allegation contained therein.

8. Responding to paragraph 8 of the SAC, Defendants do not have sufficient information or belief to enable them to admit or deny these allegations and, on that basis, deny all and singular, generally and specifically, each and every allegation contained therein.

9. Responding to Paragraph 9 of the SAC, Defendants do not have sufficient information or belief to enable them to admit or deny these allegations and, on that basis, deny all and singular, generally and specifically, each and every allegation contained therein.

10. Responding to Paragraph 10 of the SAC, Defendants do not have sufficient information or belief to enable them to admit or deny these allegations and, on that basis, deny all and singular, generally and specifically, each and every allegation contained therein.

11. Responding to Paragraph 11 of the SAC, Defendants do not have sufficient information or belief to enable them to admit or deny these allegations and, on that basis, deny all and singular, generally and specifically, each and every allegation contained therein.

12. Responding to Paragraph 12 of the SAC, Defendants do not have sufficient information or belief to enable them to admit or deny these allegations and, on that basis, deny all and singular, generally and specifically, each and every allegation contained therein.

13. Responding to Paragraph 13 of the SAC, Defendants do not have sufficient information or belief to enable them to admit or deny these allegations and, on that basis, deny all and singular, generally and specifically, each and every allegation contained therein.

14. Responding to Paragraph 14 of the SAC, Defendants do not have sufficient information or belief to enable them to admit or deny these allegations and, on that basis, deny all and singular, generally and specifically, each and every allegation contained therein.

15. Responding to Paragraph 15 of the SAC, without admitting any wrongdoing or liability for any alleged acts or omissions and without admitting that Plaintiffs are entitled to damages sought, Defendants admit COUNTY OF SOLANO is a public entity and political subdivision duly organized and existing under the laws of the State of California. As to the remaining allegations in this paragraph, Defendants deny all and singular, generally and specifically, each and every remaining allegation contained therein.

16. Responding to Paragraph 16 of the SAC, without admitting any wrongdoing or

1 liability for any alleged acts or omissions and without admitting that Plaintiffs are entitled to
2 damages sought, Defendants admit SOLANO COUNTY SHERIFF'S OFFICE is a law
3 enforcement agency operating in Solano County, California. As to the remaining allegations in
4 this paragraph, Defendants deny all and singular, generally and specifically, each and every
5 remaining allegation contained therein.

6 17. Responding to Paragraph 17 of the SAC, without admitting any wrongdoing or
7 liability for any alleged acts or omissions and without admitting that Plaintiffs are entitled to
8 damages sought, Defendants admit that Dalton McCampbell is an employee of Solano County
9 and a Deputy with the Solano County Sheriff's Office. As to the remaining allegations in this
10 paragraph, Defendants deny all and singular, generally and specifically, each and every
11 allegation contained therein.

12 18. Responding to Paragraph 18 of the SAC, without admitting any wrongdoing or
13 liability for any alleged acts or omissions and without admitting that Plaintiffs are entitled to
14 damages sought, Defendants admit that Lisa McDowell is an employee of Solano County and a
15 Deputy with the Solano County Sheriff's Office. As to the remaining allegations in this
16 paragraph, Defendants deny all and singular, generally and specifically, each and every
17 allegation contained therein.

18 19. Responding to Paragraph 19 of the SAC, without admitting any wrongdoing or
19 liability for any alleged acts or omissions and without admitting that Plaintiffs are entitled to
20 damages sought, Defendants admit that Roy Stockton is an employee of Solano County and a
21 Sergeant with the Solano County Sheriff's Office. As to the remaining allegations in this
22 paragraph, Defendants deny all and singular, generally and specifically, each and every
23 allegation contained therein.

24 20. Responding to Paragraph 20 of the SAC, without admitting any wrongdoing or
25 liability for any alleged acts or omissions and without admitting that Plaintiffs are entitled to
26 damages sought, Defendants admit that Connor Hamilton is an employee of Solano County and a
27 Deputy with the Solano County Sheriff's Office. As to the remaining allegations in this
28 paragraph, Defendants deny all and singular, generally and specifically, each and every

allegation contained therein.

21. Responding to Paragraph 21 of the SAC, without admitting any wrongdoing or liability for any alleged acts or omissions and without admitting that Plaintiffs are entitled to damages sought, Defendants admit that Chris Carter is an employee of Solano County and a Deputy with the Solano County Sheriff's Office. As to the remaining allegations in this paragraph, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

22. Responding to Paragraph 22 of the SAC, Defendants lack sufficient knowledge or belief to admit or deny these allegations, and on that basis, deny all and singular, generally and specifically, each and every allegation contained therein.

23. Responding to Paragraph 23 of the SAC, Defendants lack sufficient knowledge or belief to admit or deny these allegations, and on that basis, deny all and singular, generally and specifically, each and every allegation contained therein.

24. Responding to Paragraph 24 of the SAC, Defendants lack sufficient knowledge or belief to admit or deny these allegations, and on that basis, deny all and singular, generally and specifically, each and every allegation contained therein.

25. Responding to Paragraph 25 of the SAC, Defendants lack sufficient knowledge or belief to admit or deny these allegations, and on that basis, deny all and singular, generally and specifically, each and every allegation contained therein.

IV. FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

26. Responding to Paragraph 26 of the SAC, Defendants lack sufficient knowledge or belief to admit or deny these allegations, and on that basis, deny all and singular, generally and specifically, each and every allegation contained therein.

27. Responding to Paragraph 27 of the SAC, Defendants lack sufficient knowledge or belief to admit or deny these allegations, and on that basis, deny all and singular, generally and specifically, each and every allegation contained therein.

28. Responding to Paragraph 28 of the SAC, Defendants lack sufficient knowledge or belief to admit or deny these allegations, and on that basis, deny all and singular, generally and

specifically, each and every allegation contained therein.

29. Responding to Paragraph 29 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

30. Responding to Paragraph 30 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

31. Responding to Paragraph 31 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

32. Responding to Paragraph 32 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

33. Responding to Paragraph 33 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

34. Responding to Paragraph 34 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

35. Responding to Paragraph 35 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

36. Responding to Paragraph 36 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

37. Responding to Paragraph 37 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

38. Responding to Paragraph 38 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

39. Responding to Paragraph 39 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

40. Responding to Paragraph 40 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

41. Responding to Paragraph 41 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

42. Responding to Paragraph 42 of the SAC, Defendants deny all and singular,

1 generally and specifically, each and every allegation contained therein.

2 43. Responding to Paragraph 43 of the SAC, Defendants deny all and singular,
3 generally and specifically, each and every allegation contained therein.

4 44. Responding to Paragraph 44 of the SAC, Defendants deny all and singular,
5 generally and specifically, each and every allegation contained therein.

6 45. Responding to Paragraph 45 of the SAC, Defendants deny all and singular,
7 generally and specifically, each and every allegation contained therein.

8 46. Responding to Paragraph 46 of the SAC, Defendants deny all and singular,
9 generally and specifically, each and every allegation contained therein.

10 47. Responding to Paragraph 47 of the SAC, Defendants deny all and singular,
11 generally and specifically, each and every allegation contained therein.

12 48. Responding to Paragraph 48 of the SAC, Defendants deny all and singular,
13 generally and specifically, each and every allegation contained therein.

14 49. Responding to Paragraph 49 of the SAC, Defendants deny all and singular,
15 generally and specifically, each and every allegation contained therein.

16 50. Responding to Paragraph 50 of the SAC, Defendants deny all and singular,
17 generally and specifically, each and every allegation contained therein.

18 51. Responding to Paragraph 51 of the SAC, Defendants deny all and singular,
19 generally and specifically, each and every allegation contained therein.

20 52. Responding to Paragraph 52 of the SAC, Defendants deny all and singular,
21 generally and specifically, each and every allegation contained therein.

22 53. Responding to Paragraph 53 of the SAC, Defendants deny all and singular,
23 generally and specifically, each and every allegation contained therein.

24 54. Responding to Paragraph 54 of the SAC, Defendants deny all and singular,
25 generally and specifically, each and every allegation contained therein.

26 55. Responding to Paragraph 55 of the SAC, Defendants deny all and singular,
27 generally and specifically, each and every allegation contained therein.

28 56. Responding to Paragraph 56 of the SAC, Defendants deny all and singular,

1 generally and specifically, each and every allegation contained therein.

2 57. Responding to Paragraph 57 of the SAC, Defendants deny all and singular,
3 generally and specifically, each and every allegation contained therein.

4 58. Responding to Paragraph 58 of the SAC, Defendants deny all and singular,
5 generally and specifically, each and every allegation contained therein.

6 59. Responding to Paragraph 59 of the SAC, Defendants deny all and singular,
7 generally and specifically, each and every allegation contained therein.

8 60. Responding to Paragraph 60 of the SAC, Defendants lack sufficient knowledge or
9 belief to admit or deny those allegations, and on that basis, deny all and singular, generally and
10 specifically, each and every allegation contained therein.

11 61. Responding to Paragraph 61 of the SAC, Defendants deny all and singular,
12 generally and specifically, each and every allegation contained therein.

13 62. Responding to Paragraph 62 of the SAC, Defendants deny all and singular,
14 generally and specifically, each and every allegation contained therein.

15 63. Responding to Paragraph 63 of the SAC, Defendants deny all and singular,
16 generally and specifically, each and every allegation contained therein.

17 64. Responding to Paragraph 64 of the SAC, Defendants deny all and singular,
18 generally and specifically, each and every allegation contained therein.

19 65. Responding to Paragraph 65 of the SAC, Defendants deny all and singular,
20 generally and specifically, each and every allegation contained therein.

21 66. Responding to Paragraph 66 of the SAC, Defendants deny all and singular,
22 generally and specifically, each and every allegation contained therein.

23 67. Responding to Paragraph 67 of the SAC, Defendants deny all and singular,
24 generally and specifically, each and every allegation contained therein.

25 68. Responding to Paragraph 68 of the SAC, Defendants deny all and singular,
26 generally and specifically, each and every allegation contained therein.

27 69. Responding to Paragraph 69 of the SAC, Defendants deny all and singular,
28 generally and specifically, each and every allegation contained therein.

70. Responding to Paragraph 70 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

71. Responding to Paragraph 71 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

72. Responding to Paragraph 72 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

73. Responding to Paragraph 73 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

74. Responding to Paragraph 74 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

75. Responding to Paragraph 75 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

76. Responding to Paragraph 76 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

77. Responding to Paragraph 77 of the SAC, Defendants lack sufficient knowledge or belief to admit or deny the allegations contained therein and, on that basis, deny all and singular, generally and specifically, each and every allegation contained therein.

78. Responding to Paragraph 78 of the SAC, Defendants lack sufficient knowledge or belief to admit or deny the allegations contained therein and, on that basis, deny all and singular, generally and specifically, each and every allegation contained therein.

79. Responding to Paragraph 79 of the SAC, Defendants lack sufficient knowledge or belief to admit or deny the allegations contained therein and, on that basis, deny all and singular, generally and specifically, each and every allegation contained therein.

80. Responding to Paragraph 80 of the SAC, Defendants lack sufficient knowledge or belief to admit or deny the allegations contained therein and, on that basis, deny all and singular, generally and specifically, each and every allegation contained therein.

81. Responding to Paragraph 81 of the SAC, Defendants lack sufficient knowledge or belief to admit or deny the allegations contained therein and, on that basis, deny all and singular,

1 generally and specifically, each and every allegation contained therein.

2 82. Responding to Paragraph 82 of the SAC, Defendants deny all and singular,
3 generally and specifically, each and every allegation contained therein.

4 83. Responding to Paragraph 83 of the SAC, Defendants deny all and singular,
5 generally and specifically, each and every allegation contained therein.

6 84. Responding to Paragraph 84 of the SAC, Defendants deny all and singular,
7 generally and specifically, each and every allegation contained therein.

8 85. Responding to Paragraph 85 of the SAC, Defendants deny all and singular,
9 generally and specifically, each and every allegation contained therein.

10 86. Responding to Paragraph 86 of the SAC, Defendants deny all and singular,
11 generally and specifically, each and every allegation contained therein.

12 87. Responding to Paragraph 87 of the SAC, Defendants deny all and singular,
13 generally and specifically, each and every allegation contained therein.

14 88. Responding to Paragraph 88 of the SAC, Defendants deny all and singular,
15 generally and specifically, each and every allegation contained therein.

16 89. Responding to Paragraph 89 of the SAC, without admitting any wrongdoing or
17 liability for any alleged acts or omissions and without admitting that Plaintiffs are entitled to
18 damages sought, Defendants admit Plaintiffs NAKIA PORTER and JOE B. POWELL, JR.
19 presented government tort claims to SOLANO COUNTY on January 13, 2021. As to the
20 remaining allegations in Paragraph 89, Defendants deny all and singular, generally and
21 specifically, each and every allegation contained therein.

22 90. Responding to Paragraph 90 of the SAC, Defendants deny all and singular,
23 generally and specifically, each and every allegation contained therein.

24 91. Responding to Paragraph 91 of the SAC, Defendants deny all and singular,
25 generally and specifically, each and every allegation contained therein.

26 92. Responding to Paragraph 92 of the SAC, Defendants deny all and singular,
27 generally and specifically, each and every allegation contained therein.

28 93. Responding to Paragraph 93 of the SAC, Defendants lack sufficient knowledge or

1 belief to admit or deny the allegations contained therein and, on that basis, deny all and singular,
 2 generally and specifically, each and every allegation contained therein.

3 94. Responding to Paragraph 94 of the SAC, Defendants deny all and singular,
 4 generally and specifically, each and every allegation contained therein.

5 95. Responding to Paragraph 95 of the SAC, Defendants lack sufficient knowledge or
 6 belief to admit or deny the allegations contained therein and, on that basis, deny all and singular,
 7 generally and specifically, each and every allegation contained therein.

8 96. Responding to Paragraph 96 of the SAC, Defendants lack sufficient knowledge or
 9 belief to admit or deny the allegations contained therein and, on that basis, deny all and singular,
 10 generally and specifically, each and every allegation contained therein.

11 97. Responding to Paragraph 97 of the SAC, Defendants deny all and singular,
 12 generally and specifically, each and every allegation contained therein.

13 **V. CLAIMS FOR RELIEF**

14 **FIRST CLAIM FOR RELIEF**

15 **UNLAWFUL SEIZURE, AND AIDING AND ABETTING – 42 U.S.C. § 1983**

16 **Against All Individual Defendants**

17 98. Responding to Paragraph 98 of the SAC, Defendants deny all and singular,
 18 generally and specifically, each and every allegation contained therein.

19 99. Responding to Paragraph 99 of the SAC, Defendants deny all and singular,
 20 generally and specifically, each and every allegation contained therein.

21 100. Responding to Paragraph 100 of the SAC, Defendants deny all and singular,
 22 generally and specifically, each and every allegation contained therein.

23 101. Responding to Paragraph 101 of the SAC, Defendants deny all and singular,
 24 generally and specifically, each and every allegation contained therein.

25 102. Responding to Paragraph 102 of the SAC, Defendants deny all and singular,
 26 generally and specifically, each and every allegation contained therein.

27 103. Responding to Paragraph 103 of the SAC, Defendants deny all and singular,
 28 generally and specifically, each and every allegation contained therein.

SECOND CLAIM FOR RELIEF

EXCESSIVE FORCE, AND AIDING AND ABETTING – 42 U.S.C. § 1983

Against All Individual Defendants

104. Responding to Paragraph 104 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein. Defendants also incorporate by reference their responses to the preceding paragraphs and allegations to the same extent Plaintiffs' preceding paragraphs and allegations are incorporated by reference.

105. Responding to Paragraph 105 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

106. Responding to Paragraph 106 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

107. Responding to Paragraph 107 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

108. Responding to Paragraph 108 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

THIRD CLAIM FOR RELIEF

UNLAWFUL SEARCH, AND AIDING AND ABETTING – 42 U.S.C. § 1983

Against All Individual Defendants

109. Responding to Paragraph 109 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein. Defendants also incorporate by reference their responses to the preceding paragraphs and allegations to the same extent Plaintiffs' preceding paragraphs and allegations are incorporated by reference.

110. Responding to Paragraph 110 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

111. Responding to Paragraph 111 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

112. Responding to Paragraph 112 of the SAC, Defendants deny all and singular,

1 generally and specifically, each and every allegation contained therein.

2 113. Responding to Paragraph 113 of the SAC, Defendants deny all and singular,
3 generally and specifically, each and every allegation contained therein.

4 **FOURTH CLAIM FOR RELIEF**

5 **FALSE STATEMENTS AND FABRICATION OF EVIDENCE, AND AIDING AND**
6 **ABETTING – 42 U.S.C. § 1983**

7 **Against Defendants ROY STOCKTON, DALTON MCCAMPBELL, AND LISA**
8 **MCDOWELL**

9 114. Responding to Paragraph 114 of the SAC, Defendants deny all and singular,
10 generally and specifically, each and every allegation contained therein. Defendants also
11 incorporate by reference their responses to the preceding paragraphs and allegations to the same
12 extent Plaintiffs' preceding paragraphs and allegations are incorporated by reference.

13 115. Responding to Paragraph 115 of the SAC, Defendants deny all and singular,
14 generally and specifically, each and every allegation contained therein.

15 116. Responding to Paragraph 116 of the SAC, Defendants deny all and singular,
16 generally and specifically, each and every allegation contained therein.

17 117. Responding to Paragraph 117 of the SAC, Defendants deny all and singular,
18 generally and specifically, each and every allegation contained therein.

19 118. Responding to Paragraph 118 of the SAC, Defendants deny all and singular,
20 generally and specifically, each and every allegation contained therein.

21 **FIFTH CLAIM FOR RELIEF**

22 **VIOLATION OF EQUAL PROTECTION, AND AIDING AND ABETTING –**
23 **42 U.S.C. § 1983**

24 **Against All Individual Defendants**

25 119. Responding to Paragraph 119 of the SAC, Defendants deny all and singular,
26 generally and specifically, each and every allegation contained therein. Defendants also
27 incorporate by reference their responses to the preceding paragraphs and allegations to the same
28 extent Plaintiffs' preceding paragraphs and allegations are incorporated by reference.

120. Responding to Paragraph 120 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

121. Responding to Paragraph 121 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

122. Responding to Paragraph 122 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

123. Responding to Paragraph 123 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

124. Responding to Paragraph 124 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

125. Responding to Paragraph 125 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

SIXTH CLAIM FOR RELIEF

**VIOLATION OF TOM BANE CIVIL RIGHTS ACT, AND AIDING AND ABETTING –
CAL. CIV. CODE § 52.1**

Against All Defendants

126. Responding to Paragraph 126 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein. Defendants also incorporate by reference their responses to the preceding paragraphs and allegations to the same extent Plaintiffs' preceding paragraphs and allegations are incorporated by reference.

127. Responding to Paragraph 127 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

128. Responding to Paragraph 128 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

129. Responding to Paragraph 129 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

130. Responding to Paragraph 130 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

131. Responding to Paragraph 131 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

132. Responding to Paragraph 132 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

133. Responding to Paragraph 133 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

134. Responding to Paragraph 134 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

135. Responding to Paragraph 135 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

SEVENTH CLAIM FOR RELIEF

VIOLATION OF RALPH CIVIL RIGHTS ACT, AND AIDING AND ABETTING –

CAL. CIV. CODE § 51.7

Against All Defendants

136. Responding to Paragraph 136 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein. Defendants also incorporate by reference their responses to the preceding paragraphs and allegations to the same extent Plaintiffs' preceding paragraphs and allegations are incorporated by reference.

137. Responding to Paragraph 137 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

138. Responding to Paragraph 138 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

139. Responding to Paragraph 139 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

140. Responding to paragraph 140 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

141. Responding to Paragraph 141 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

142. Responding to Paragraph 142 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

143. Responding to Paragraph 143 of the SAC, Defendants lack sufficient knowledge or belief to admit or deny allegations related to the City of Dixon or the Dixon Police Department and, on that basis, deny all and singular, generally and specifically, each and every of those allegations. As to the remaining allegations in this paragraph, Defendants deny all and singular, generally and specifically, each and every remaining allegation in this paragraph.

EIGHTH CLAIM FOR RELIEF

CAL. GOV. CODE § 815.6, AND AIDING AND ABETTING

Against All Defendants

144. Responding to Paragraph 144 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein. Defendants also incorporate by reference their responses to the preceding paragraphs and allegations to the same extent Plaintiffs' preceding paragraphs and allegations are incorporated by reference.

145. Responding to Paragraph 145 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

146. Responding to Paragraph 146 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

147. Responding to Paragraph 147 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

148. Responding to Paragraph 148 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

149. Responding to Paragraph 149 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

150. Responding to Paragraph 150 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

NINTH CLAIM FOR RELIEF

FALSE IMPRISONMENT, AND AIDING AND ABETTING

Against All Defendants

151. Responding to Paragraph 151 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein. Defendants also incorporate by reference their responses to the preceding paragraphs and allegations to the same extent Plaintiffs' preceding paragraphs and allegations are incorporated by reference.

152. Responding to Paragraph 152 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

153. Responding to Paragraph 153 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

154. Responding to Paragraph 154 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

155. Responding to Paragraph 155 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

156. Responding to Paragraph 156 of the SAC, Defendants lack sufficient knowledge or belief to admit or deny allegations related to the City of Dixon or the Dixon Police Department and, on that basis, deny all and singular, generally and specifically, each and every of those allegations. As to the remaining allegations in this paragraph, Defendants deny all and singular, generally and specifically, each and every remaining allegation in this paragraph.

TENTH CLAIM FOR RELIEF**ASSAULT & BATTERY, AND AIDING AND ABETTING****Against All Defendants**

157. Responding to Paragraph 157 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein. Defendants also incorporate by reference their responses to the preceding paragraphs and allegations to the same extent Plaintiffs' preceding paragraphs and allegations are incorporated by reference.

158. Responding to Paragraph 158 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

159. Responding to Paragraph 159 of the SAC, Defendants deny all and singular,

generally and specifically, each and every allegation contained therein.

160. Responding to Paragraph 160, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

161. Responding to Paragraph 161, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

162. Responding to Paragraph 162 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

163. Responding to paragraph 163 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

164. Responding to Paragraph 164 of the SAC, Defendants lack sufficient knowledge or belief to admit or deny allegations related to the City of Dixon or the Dixon Police Department and, on that basis, deny all and singular, generally and specifically, each and every of those allegations. As to the remaining allegations in this paragraph, Defendants deny all and singular, generally and specifically, each and every remaining allegation in this paragraph.

ELEVENTH CLAIM FOR RELIEF

**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS, AND AIDING AND
ABETTING**

Against All Defendants

165. Responding to Paragraph 165 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein. Defendants also incorporate by reference their responses to the preceding paragraphs and allegations to the same extent Plaintiffs' preceding paragraphs and allegations are incorporated by reference.

166. Responding to Paragraph 166 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

167. Responding to Paragraph 167 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

168. Responding to Paragraph 168 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

169. Responding to Paragraph 169 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

170. Responding to Paragraph 170 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

171. Responding to Paragraph 171 of the SAC, Defendants lack sufficient knowledge or belief to admit or deny allegations related to the City of Dixon or the Dixon Police Department and, on that basis, deny all and singular, generally and specifically, each and every of those allegations. As to the remaining allegations in this paragraph, Defendants deny all and singular, generally and specifically, each and every remaining allegation in this paragraph.

TWELFTH CLAIM FOR RELIEF

NEGLIGENCE PER SE

Against All Defendants

172. Responding to Paragraph 172 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein. Defendants also incorporate by reference their responses to the preceding paragraphs and allegations to the same extent Plaintiffs' preceding paragraphs and allegations are incorporated by reference.

173. Responding to Paragraph 173 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

174. Responding to Paragraph 174 of the Sac, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

175. Responding to Paragraph 175 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

176. Responding to Paragraph 176 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

177. Responding to Paragraph 177 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

178. Responding to Paragraph 178 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

179. Responding to Paragraph 179 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

180. Responding to Paragraph 180 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

181. Responding to Paragraph 181 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

182. Responding to Paragraph 182 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

183. Responding to Paragraph 183 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

184. Responding to Paragraph 184 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

185. Responding to Paragraph 185 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

186. Responding to Paragraph 186 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

187. Responding to Paragraph 187 of the SAC, Defendants lack sufficient knowledge or belief to admit or deny allegations related to the City of Dixon or the Dixon Police Department and, on that basis, deny all and singular, generally and specifically, each and every of those allegations. As to the remaining allegations in this paragraph, Defendants deny all and singular, generally and specifically, each and every remaining allegation in this paragraph.

THIRTEENTH CLAIM FOR RELIEF

NEGLIGENCE (MALICE AND OPPRESSION)

Against All Defendants

188. Responding to Paragraph 188 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein. Defendants also incorporate by reference their responses to the preceding paragraphs and allegations to the same extent Plaintiffs' preceding paragraphs and allegations are incorporated by reference.

189. Responding to Paragraph 189 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

190. Responding to Paragraph 190 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

191. Responding to Paragraph 191, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

192. Responding to Paragraph 192 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

193. Responding to Paragraph 193 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

194. Responding to Paragraph 194 of the SAC, Defendants deny all and singular, generally and specifically, each and every allegation contained therein.

195. Responding to Paragraph 195 of the SAC, Defendants lack sufficient knowledge or belief to admit or deny allegations related to the City of Dixon or the Dixon Police Department and, on that basis, deny all and singular, generally and specifically, each and every of those allegations. As to the remaining allegations in this paragraph, Defendants deny all and singular, generally and specifically, each and every remaining allegation in this paragraph.

VI. PRAYER FOR RELIEF AND JURY DEMAND

Defendants deny every allegation contained in Plaintiffs' Prayer for Relief, paragraphs (1) through (10), and each of them, and denies that Plaintiffs have been injured in any way whatsoever. Defendants further deny that Plaintiffs are entitled to the relief requested in their prayers for relief, paragraphs (1) through (10), and each of them, or that Plaintiffs are entitled to relief of any kind whatsoever.

Defendants, without admitting its propriety, hereby acknowledge Plaintiffs' Demand for Jury as to all claims for which a jury is permitted.

AFFIRMATIVE AND ADDITIONAL DEFENSES

Defendants assert the following affirmative and additional defenses to the SAC, but do

1 not assume the burden of proof of any such defenses, except as provided by law.

2 **FIRST AFFIRMATIVE DEFENSE**

3 1. The SAC, and each claim for relief contained therein, fails to state a claim upon
4 which relief can be granted against Defendants, and otherwise fails to adequately articulate or
5 plead a claim under 42 U.S.C. § 1983, Cal. Civ. Code § 52.1, any statutory or common law, or
6 any other plausible claim for relief.

7 **SECOND AFFIRMATIVE DEFENSE**

8 2. Plaintiffs lack standing to assert the claims made or to seek the relief requested in
9 the SAC. Further, Plaintiffs Nakia Porter and Clifton Powell have not made a sufficient showing
10 to bring claims on behalf of the minor Plaintiffs.

11 **THIRD AFFIRMATIVE DEFENSE**

12 3. Plaintiffs' claims in the SAC are barred, in whole or in part, by the applicable
13 statutes of limitation.

14 **FOURTH AFFIRMATIVE DEFENSE**

15 4. Plaintiffs have not suffered any damages as a result of any actions taken by
16 Defendants or their employees or agents, or any inaction on the part of Defendants or their
17 employees or agents, and Plaintiffs are thus barred from asserting any claim for relief against
18 Defendants.

19 **FIFTH AFFIRMATIVE DEFENSE**

20 5. Plaintiffs cannot establish an injury-in-fact or the probability of a future injury, a
21 causal connection between any purported injury-in-fact and the challenged action or inaction of
22 Defendants, or that any purported injury would be redressed by a favorable decision.

23 **SIXTH AFFIRMATIVE DEFENSE**

24 6. None of the acts or omissions alleged by Plaintiffs in the SAC are or were an
25 actual or proximate cause of a deprivation of Plaintiffs' rights.

26 **SEVENTH AFFIRMATIVE DEFENSE**

27 7. The acts complained of by Plaintiffs in the SAC were provoked by Plaintiffs'
28 unlawful and wrongful conduct.

EIGHTH AFFIRMATIVE DEFENSE

8. Plaintiffs' alleged damages, if any, were caused by circumstances and conduct other than that which is alleged in the SAC.

NINTH AFFIRMATIVE DEFENSE

9. The acts or omissions complained of in the SAC were consented to by Plaintiffs and, therefore, Plaintiffs cannot complain of the damages alleged in the complaint.

TENTH AFFIRMATIVE DEFENSE

10. Any act or omission, including any seizure, detention, or search alleged by Plaintiffs was done in good faith and with a reasonable belief that such actions were justified, proper and lawful, and was affected pursuant to a good faith belief in, as well as the existence of, sufficient probable cause. Further, Defendants contend that the injuries and damages, if any there were, allegedly inflicted upon Plaintiffs by any defendant were justified and resulted from a lawful detention and/or lawful exercise of a search and seizure.

ELEVENTH AFFIRMATIVE DEFENSE

11. Plaintiffs are not entitled to recovery under the Fourth, Fifth, or Fourteenth Amendments to the United States Constitution.

TWELFTH AFFIRMATIVE DEFENSE

12. The alleged actions by Defendants, including training, supervising, instructing, controlling, and disciplining of police officers, were done in the good faith belief that the actions of all Defendants were constitutional and that such belief was reasonable under the circumstances.

THIRTEENTH AFFIRMATIVE DEFENSE

13. The acts, statements, and conduct alleged to have been done by Defendants, relating to or affecting the Plaintiffs, are privileged and the claims alleged in the complaint are barred by the doctrines of both statutory and common law absolute and qualified immunities. Defendants accordingly allege that all actions taken were undertaken in good faith and with reasonable belief that said actions were valid, necessary, and constitutionally proper. Additionally, Plaintiffs' claims are barred by other immunities applicable to government

1 agencies and their employees under California law, including but not limited to Sections 815,
2 815.2, 815.6, 818.2, 818.8, 820, 820.2, 820.4, 820.6, 820.8, 821, 821.6, 822.2, 844.6, 845.2,
3 845.6, and/or 855.8 of the California Government Code.

4 **FOURTEENTH AFFIRMATIVE DEFENSE**

5 14. Plaintiffs had, and continues to have, the ability and opportunity to mitigate their
6 alleged damages, if any there were, and have failed and refused to mitigate such alleged
7 damages.

8 **FIFTEENTH AFFIRMATIVE DEFENSE**

9 15. Plaintiffs, by virtue of having been the sole or major contributing factor giving
10 rise to the alleged losses of which plaintiff now complains, are guilty of unclean hands and,
11 therefore, Plaintiffs are barred from seeking relief sought here by the Doctrine of Unclean Hands,
12 as well as the principle of *In Pare Delicto*.

13 **SIXTEENTH AFFIRMATIVE DEFENSE**

14 16. The SAC, and each of the claims for relief contained therein, is barred by the
15 equitable Doctrine of Waiver.

16 **SEVENTEENTH AFFIRMATIVE DEFENSE**

17 17. The SAC, and each of the claims for relief contained therein, is barred by the
18 equitable Doctrine of Laches.

19 **EIGHTEENTH AFFIRMATIVE DEFENSE**

20 18. The SAC, and each of the claims for relief contained therein, is barred by the
21 equitable Doctrine of Estoppel.

22 **NINETEENTH AFFIRMATIVE DEFENSE**

23 19. To the extent Plaintiffs' action herein is for alleged personal injury based upon
24 principles of comparative fault, pursuant to the provisions of California Civil Code § 1431, *et*
25 *seq.*, Defendants' liability, if any, for non-economic damages, if any, shall be several only and
26 shall not be joint. Defendants request a judicial determination of the amount of non-economic
27 damages, if any, allocated to each of them in direct proportion to their individual percentage of
28 fault, if any, and a separate judgment in conformance therewith.

TWENTIETH AFFIRMATIVE DEFENSE

20. The SAC, and each of the claims for relief contained therein, fails to state facts sufficient to support an award of statutory damages, attorneys' fees, costs, and/or expenses against Defendants.

TWENTY-FIRST AFFIRMATIVE DEFENSE

21. It is against the public policy for a plaintiff to profit from their own wrongs by recovering any sums whatever from Defendants. Consequently, Plaintiffs are precluded from any recovery as to any cause of action stated in the SAC.

TWENTY-SECOND AFFIRMATIVE DEFENSE

22. The imposition of statutory minimum damages in this matter would violate Defendants' Eighth Amendment protection against excessive fines in violation of United States Constitution, and the California Constitution.

TWENTY-THIRD AFFIRMATIVE DEFENSE

23. The damages sought by Plaintiffs do not constitute recoverable damages against Defendants.

TWENTY-FOURTH AFFIRMATIVE DEFENSE

24. To the extent Plaintiffs' SAC, and any claims for relief therein for civil rights violations, are based on a theory of *respondeat superior* against Defendants, they are immune from liability.

TWENTY-FIFTH AFFIRMATIVE DEFENSE

25. If cause was legally necessary for the alleged actions by Defendants, if any, alleged in Plaintiffs' SAC, all of which Defendants deny, such cause existed.

TWENTY-SIXTH AFFIRMATIVE DEFENSE

26. Plaintiffs failed to comply with and/or are barred from any recovery for any state cause of action by the California Tort Claims Act, codified in Government Code §800, *et seq.*, specifically, but not limited to, §§815, 815.2(b), 815.4, 815.6, 818, 818.2, 818.8, 820(b), 820.2, 820.4, 820.6, 820.8, 821, 821.6, 821.8 844.6 and 845.6, as well as California Government Code §900, *et seq.*, specifically, but not limited to, §§905.2, 910, 910.2, 911.2, 911.4, 915, 935, 945.4,

and 945.6.

RESERVATION OF AFFIRMATIVE DEFENSES

27. Defendants reserve the right to raise and assert additional defenses that may be applicable to the claims raised by Plaintiffs' SAC.

WHEREFORE, Defendants pray as follows:

1. The SAC be dismissed with prejudice and Plaintiffs takes nothing by way of said pleading;
2. That judgment be entered in favor of Defendants, and against Plaintiffs;
3. That Defendants recover their costs of suit, including reasonable expenses, expert witness fees, and attorneys' fees pursuant to 42 U.S.C. § 1988, and any other applicable statute; and
4. That this Court award to Defendants such other and further relief that it may deem proper.

DATED: January 21, 2022

SELMAN BREITMAN LLP

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